P 7 54 7 94

G. R. S. IX-5]

Previous references.

1894-95

~~192~~

(L.R.)

File No. 126 794.

Serial Nos. 1 to 11

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 11

In ~~Part~~ B for June 1897.

SUBJECT.

Appeal of Siravante Dasappa of Thirthahally regarding the dismantling of his newly built house etc.

—GPB—20,000—14-6-20

C. S. No. 9 of 1894-95

Petitioner :- Sivaraja Pandiyan
Jaffnapatam Kacheri

Appeal against the order of
Commissioner dismissing petition
for petitioner to demarcate his
land known as Kacheri Jaffnapatam.

On the 5th April 1887 the P. W. Overseer
in charge of Division No. III sub Division
informed the Commissioner of Jaffnapatam that
petitioner Sivarajah Pandiyan was building
a house in Jaffnapatam town adjoining
to Kacheri Compound wall, that it was
found on inspection that he had en-
croached on public ground and that
the wall actually adjoining with the
Kacheri was also contrary to Ordi-
nance and requested that petitioner
might be directed to stop the construction.
The Commissioner in company with the Overseer
having inspected the spot and the latter
having furnished a plan showing the
encroachment of petitioner's house
was of opinion that the encroachment
was 2 ft. including the drain which was
only 1 ft. at the spot, finally passed
on 31-12-87 that the line proposed
by the officer should be considered

be allowed to remain and that the basement building the lower portion should be removed.

On 30-1-88 a letter of the following effect was also read and considered in this petition.

As it is intended that this petition & the building be pulled down. Sir the owner does not object to the Assessment proposed to be made for the formation of the street but it should be filled up. The building should be pulled down & the building of the new houses be allowed.

After some discussion in this matter it was on 31-12-87 was communicated to the petitioners who on being thoroughly discussed before the Surveyor that it was 18-10-88
agreed that in the basement laid for the construction of basement to the Assessment and the upper portion may be retained and the lower removed, that if this would prove dangerous to the house, but that he would not build on the basement in the lower portion and that he would build in the basement in the upper portion and being for permission to retain the basement in the lower portion.

On 18/1 the petitioner again succeeded upon the foundation land and added a front measuring 30 ft. by 2½ ft. wide & 2½ ft. high to his house no. 161 on the western side.

3

29-12-91

the Police Authorities and the Municipal Mudaliar having obstructed this and brought the fact to the notice of the Taluk Authorities a Mahazar was caused to be made by them in the matter. The Panchayatdars who signed the Mahazar corroborated the fact of the petitioner's encroachment and added that when the petitioner was asked by them he stated that his people did this during his absence from the place and that he had no objection to the new construction being removed

On 1st December 93 Kallukoor Seenivasa Row one of the Municipal Members addressed an yadi to the Vice Presidential Station that petitioner disappears having encroached upon the public drain to the left of the Agumbi road at its head near Ramji-annas house was extending his building on its northern side, that he had completed the roofing and the ground work was under construction and that the spot should be immediately inspected and the new building erected to be removed.

The Amildar having had criminal work to do, deputed the Sheristedar to inspect the spot, & a Mahazar prepared and submitted to him.

The Sheristedar having accordingly visited the same with the Panchayatdars and one or two Municipal Members submitted a Mahazar to the following effect to the Amildar.

We saw petitioner having encroached upon the drain along the public road, was extending his old house, that he has constructed the roofing having across and poles for its support, that the ground-work is under construction, that it was customary to build first the lower portion and then the upper, but that the petitioner seemed to have reversed the order simply ~~because~~ with a view to encroachment, that the petitioner having allowed the land to lie vacant since 1891 commenced to encroach and build on it again 8 or 10 days ago and that the Sheristedar informed the petitioner and Sirvanti Amantappa to have the building removed.

On February 1894 the Dy. Commissioner visited Veilahalli for Panchayat, when the Amildar ~~was~~ brought to his notice that during his absence on leave the petitioner extended his building in front of his house situated opposite to the Roman Catholic Chapel in the Agrahar road in the town of Veilahalli - the Dy. Commissioner directed him to inquire and report in the matter - Accordingly the Amildar examined, Dreamers Kow, Municipal Servant Farrash Lab and Municipal member Kalle Boramanna -

Dreamers Kow stated in conformity with the yadi addressed by him to the Amildar. Farrash Lab stated:- he heard the Panchayat of 1891 read to him - he was present at the time - petitioner Dasappa stated that

5

in the absence from the Town Hospital and Cemetery Committee through illness, that he verbally stated that he would remove the cemetery boundaries, removed it. He was also present during the preparation of Estimates in 1893 when the Finance Committee decided to levy and provide the Cemetery.

Public Recreation Ground. The Public Health Act of 1891-93 requiring Sanitary Committee to report upon the provision of Public Walks and Recreation Ground there. Inspected all the open spaces of the Town and agreed with the Surveyor and Mr Relf Inspector for a Recreation Ground adjacent the Station. The Committee having inspected the Cemetery at this time, decided not to recommend the Council, the said that the people could do without the Recreation and that for the present the Council the Cemetery. Recommended Mr Relf's Report dated 28th December 1893. Since the Epsom Commons Cemetery Committee Meeting - Commons Committee reported the matter to the Committee with a recommendation that the Council purchase the Cemetery. Mr Relf reported the Cemetery. He had completed the Cemetery and was considering the future work. There was no Cemetery in the Town for many

28-12-93

The Committee of Adjudicating this, finds 6 5-5-94.
to the Dy. Commissioner reported that the
petitioner did not find an opportunity to
make the building till the end in June,
that he did so only three days, that
when this fact was brought to the notice
of the Building Inspector by Halliday
Sherrard he directed the Claimant to
enquire and get a drawing prepared
in the matter and that the Claimant
in compliance with the direction the petitioner
and Architect in the presence of the Inspector.
-ylator to prepare the necessary drawings.

Thereafter the Dy. Commissioner passed 16-7-94
a note to the petitioner reciting the
above facts and directing that the
building erected by him in spite of the
above facts by unlawfully encroaching
on the public drain and road should
be removed within a month from the
date on which the notice was served on
him, and that if he failed to do so it
would be removed by government and
the cost thereof would be recovered from
him as arrears of Land Revenue.

When this notice was served on him 30-7-94.
he endorsed on it to the following effect.

In 1887 as required by the Municipal Act
I am to post a notice stating that
the land on which, and in front of which
I am erecting a building
Received the notice dated 30-1-88
that the Municipal Council building on his
Personal piece of ground beside the Queen Road

No. 7259 of 7-4-96
Pd. 7.56-96

Re-hearing the Appellant's Counsel in the case did not appear was requested to furnish a Statement showing the Appellant's right and the portion of Pat. land encroached upon.

No. A. of 25-3-95
No. 17209 of 10-4-95
P.T. 56-94

In the Interim of the Statement called for the Dy. Comr. was requested to report if the Appellant had in any way violated the conditions expressed in the Instrument dated the Lease on 18-10-88 and as to whom the Land in which he had built belonged.

The Dy. Comr. in his report stated that the Land in the Appellant's occupation originally belonged to, & was encroached upon by the Lessee - that he had built a house on the land in dispute, & that he was willing to relinquish the land on receiving compensation for the value of the building & improvements made by the Lessee.

Whereupon

a fresh Filter by me or by the Municipality as directed in the notice the building constructed by entirely disobeying and disregarding the orders of Port. Officials since 1867 should be removed. If you failed to do so it could be removed by Port. and the cost thereof recovered as stated in the notice to be served upon you.

No concession can be shown in this case of persons who being principal residents of the town commit such irregularities.

No concession is worthy of consideration in this case.

The petitioner appeals against this order on the following grounds:-

(1) That he has not encroached upon and utilised Port. land.

(2) That the building erected by him is in no way inconvenient to the public.

(3) That the above order is not only unjustified the Dy. Conr. is also not empowered to make it.

(4) That he is kept in dark of the records made in the matter since 1887.

(5) That the Exparte order made in incorrect proceedings made by the Commissioners and the Officials is opposed to practice.

(6) That the order of the Dy. Conr. stating that he has nothing to enquire in this case is not only unjustified but would also in means of Corruption.

(7) That it is unjust to say that no concession could be shown to him.

Prays that the Dy. Conr's order may be held in abeyance.

K.

Port [illegible] by
In the meantime
[illegible]
[illegible]
[illegible]
[illegible]

7/11/1945 [illegible]

Wheeler Mc Day - Lewis Cruse - 12

No. 53/41 of 15-7-95

- Municipal Building and Licensing
Mc Appellant and Respondent Appear
respectively that the appellant Erects -
- Cruse that the Statement Respondent
Cruse in Court before the Learned
Chairman did not refer this Encroachment
was disputed but that it appeared
to Counsel Cruse - that the Respondent
Cruse that the above Statements
Cruse with reference to the Site in
dispute were and that the Appellant
has clearly Worked the Conditions
agreed to by Cruse.

The Day - Cruse for the Site that
the Land Leased by the Appellant
does not Cruse any right to the Cruse
dispute - that the Encroachment Cruse
Cruse in Cruse of the Site in the
Engagement of the Appellant who Cruse
to Explain it
to Explain Cruse that the Cruse Cruse
Cruse - that Mc Cruse Encroachment
Site in dispute is 27 x 2 ft as Cruse
by the Cruse - that the Appellant Cruse
Cruse Cruse Encroached upon it during
of the Cruse Cruse and Cruse
of the Officers of Cruse - that he has
Cruse to Cruse Cruse with Cruse
Cruse - that the Cruse Cruse Cruse

189 4

12

No. 591

Name of Petitioner. Eranna Dasa,

Village. Thirthahalli

Taluk. Do

District. Shimoga

Date of Arzi. 20 : 8 - 94

Date of Receipt. Do —

Date of Disposal.

No. of Enclosures. Two —

L. R. 126-94-1

ABSTRACT.

Appearing upon
Inam dated 6th July 1894
directing the petitioner
to remain in his pos-
session as

Referred to
Revenue
Dept
21/8

Call for Proceedings
22/8/94

Draft
24/8

Drafted
24/8/94

11

Estimated at Rs. 25 or 30 - that the removal of the structure does not seem to be absolutely necessary for public convenience though it is a question for consideration whether in view of his fraudulent conduct and defiance of authority it should not be insisted upon as a matter of example and that if the Govt. were disposed to deal with him leniently the building may be allowed to stand levying a fine of annas 8 per square foot or Rs. 27 on the whole for the site encroached upon.

RK
7/3/38.

(General Serial No. 30.)

14

Petn to be prepared thro' C.

Prepd & put up.

1896 [illegible]

From [illegible]

[illegible]

To

The Chief Secretary to the Dewan
of Mysore.

Dated 7 September 1896

Despatched

Received

L.R. 126-94-3

Enclosures No. 3 in the Record

General No. 212 } 1894-95
No. 69

With reference to his
office Memorandum
No. 301 of 27th Oct.,
Returns the Petition
from Viranna the
Executive Engineer
Kollegal with the other
papers relating
to the case —

Petition Record
17/9/96

Read
11/9/96

(13)

No. Pet 301

MYSORE DEWAN'S OFFICE, 27-8-94

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

(3)

The accompanying Petition No. 591

dated 20th August 94 received at the Dewan's Office from Sivavanke Dasappa of Thirthahalli, appealing against the Deputy Commrs order of 16th July 1894 directing the petitioner to dismantle his newly-built house &c

is forwarded, together with its two enclosures, to the Deputy Commr Shimoga Distt for submn of the entire Proceedings connected with the case

2 The Petition should be returned with the

(Draft Comml order)

By Order,

Chief Secretary.

BANGALORE,
22-8-1894.
27.

(4)

8564-55

From the Deputy Commissioner
Bhavnagar Division

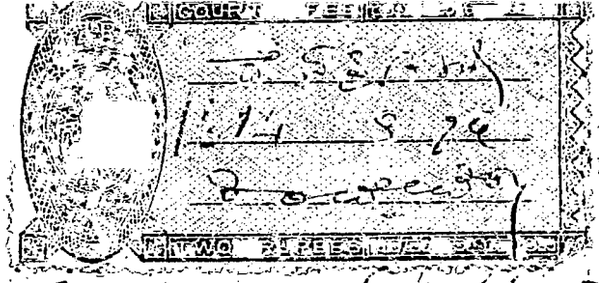
To the Chief Secretary to the
Govt of Gujarat
Dated 7th September 1964.

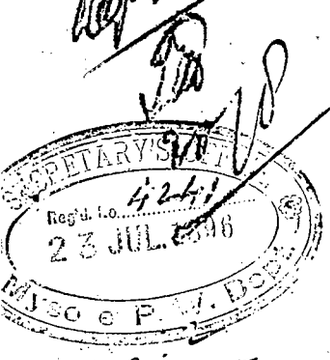
No 212/69 of 8564-55

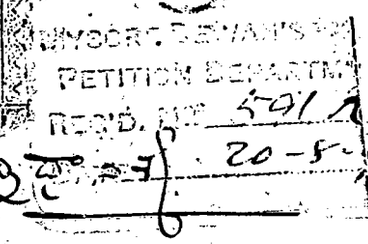
Sir: I have the
honour to forward herewith
my Official Memorandum
No 801 dated 22nd ultimo, forwarding a Petition with enclosures from Shri Gangadas Jethalal and requesting sanction of the entire Deputy connected with the case.

I have the honour to return the Petition with enclosures received with the above letter and to request sanction of the entire Deputation relating to the case.

Yours faithfully,
Deputy Commissioner






MYSORE DEVARAJ'S
PETITION DEPARTM
RECD. ON

Gen. Serial No. 31.]

189

(5)

From

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

11-8-94

Abdul Rahman Khan

To

The Deputy Commissioner
Shimoga District

No. 7259 / Fort-54-94. 9/10/1894.

His no. 212 dated 7th Sept 1894,
Submitting the proceedings relating
to the appeal petition of Sivanandu
Basappa of Attikalli

L.R. 126-94-4

With reference to the above he
the honour to request that he will
be so good as to forward forwarding
this office with a sketch showing the
Petitioners' site with the portion of
Govt. land encroached upon

(By order)
8/11/94

Asst
(Commissioner)
7-11-94

for Chief Secretary

8/11

8/11

21

Gen. Serial No. 31.]

1895

12665

Ref. 522

From The Commissioner
Shimoga Dist

(6)

To

The Secretary to the Govt.
Dewan of Mysore.

Dated 25th March/95

Despatched

Received

Enclosures—No. 17 Ca

General No. A
No.

With reference to this No
7259
of 94-94 of 2/10th November 94.
forwards the Sketch shewing
the Site of Sivananti Dasappa
& the portion of Govt land
encroached upon.

Place on the file
We have stands
posted to Tuesday
next
28/3/3

L. R. 126-94-5

P.A. to C.

28/3/95

Read
28/3

The case is posted for hearing to
2nd April 1895.

28/3.

1895

From The D.C. Commissioner
Shimoga District

To. The Chief Secretary to the Govt of
Mysore

25th March/95

No A En 1 File

This Docket No 7259/P.J. 54-94 dated 7th November/94
requesting to furnish the Chief Secretary with
a Sketch shewing the Petitioner's site and
the portion of Government land encroached
upon, and subsequent reminder No Pet/54-94/
19th Instant.

With reference to the above, I have the
honor to forward the Sirsi Taluk Amildar's
report No 1139 received this day together
with the Sketch map received therewith
shewing the portion of Government land
encroached upon by the Petitioner

K. Rama Rao
for D.C. Commissioner
Shimoga

Recommended to be removed mutatis mutandis

MHS
10/4/95

23 Nov Kelkar
Sales Asst. 8
Dt Nov 16/11

To

The Dy Comm
Shimoga

No 1709 dt 10-4-95
Dt. 24-94

Ref letter No 212
dt 7-1-94 intimating
the proceedings relating
to the appointment
of Srinivasa Murthy
as Inchalli

In returning
the records received
with the above
for needful
reference and
resubmission

R. CR. 126-94-6

has the honour
to invite the
Comm's attention
to the Statement
made by Desaffre
on 18-10-1888 before the Mayor
and to request that
he will be good
enough to report if the
Appellant has in
any way violated
the Conditions referred
to therein and to which
the like as which
Desaffre has now
built belongs to
him & the

By Order

12/4/95

Mr Wheeler now makes out that the work is incomplete & does not show the encroachment to the extent stated. The Appellant must be called upon to produce his title deeds and to state to what extent the work is proposed to be carried & point out with reference to the measurements

(8)

Gen. Serial No. 38

REVENUE DEPARTMENT
Gl. 472
19 JUL 95
1902 Cr 45
NEWANS OFFICE

From The Commissioner,
Nilgiris & Coimbatore

To (8)
The Secretary to the Government
Dewan of Mysore.

Dated 15th July 1895.

Despatched

Received

Enclosures—No. Record

General No. 53
No. 41

L.R. 126-94-7

With reference to Chief Secretary's docket No. 2209 P 54-94 I have the honor to forward herewith for the orders of Government a petition dated 9th inst. from certain persons of Pethalli

Petition Dr
11/8/1895

2/7

I think Court should say that if the verandah encroachment is permitted to remain the continuing of 50 cents per cubit indicated by the inspector as a deterrent fine

MHS
27.6.96.

Mr Muthu Dr
Secy Wkinday
Secy Mr Fox
Mr Lewin
Upp Mr Alwar
Respectfully submitted
Encroachment
Represents attention
to the encroachment

From

The Dy Commissioner,
Shimoga District

To

The Revenue Secretary to the
Government of Mysore.

Date, 5th July, 1895.

No. 53/4 with reference to the Govt. Circular Secretary docket No. 4402 of the 4th April last, 27.5.95

calling for further information on the appeal filed by Timmaya Deraiha of Hirali, has the honor to report that the undersigned inspected the building in dispute and examined Timmaya Deraiha and Ahmedgar Rajsaheb on the 24th ultimo.

2 Hirali be observed from Deraiha

Draupha's expression that he maintains that the statement in question did not refer to the encroachment under dispute, but that it was given in connection with another house. This is contradicted by the then Tionegal who is now a revenue Jamadar in the Virtalli Taluk. The contents of the statement and other papers in the record, clearly show that it was given with reference to the site in dispute in the present case, and that Draupha has clearly violated the Condition agreed to by him.

3. The Sale Deed in favor of Draupha has been produced in evidence, but it is quite useless and does not throw any light in the present dispute. The measurements given therein are

in

in excess of the, ele in the enjoyment
of Casapha, who tries to explain
it away by saying that he volun-
tarily gave up some portion.

4 The, are actually in dispute
as 27 feet east to west as now marked
in the Sketch, and there can be
no doubt that Casapha has
encroached upon it in spite of
his, stipulations and prohibitions
of the officers of Government. He
has erected a Verandah covered
with Mangalore tile. The Cost
of which may be roughly esti-
mated at Rs 25 or 30/-.

5. The removal of this structure
does not seem to be absolutely neces-
sary for public convenience, though
it is a question for consideration
whether in view of his fraudulent
conduct and defiance of authority,
it should not be insisted upon

as

as a matter of example. If the Government are disposed to deal with him leniently, the building may be allowed to stand, levying a fine of 8 annas per square foot or ~~Rs~~ 27/- on the whole, for the site encroached upon.

6. The entire records are herewith resubmitted as per enclosed ~~Receipt~~ List.

Asst. Commissioner

Deputy Commissioner

Shimoga District

1926

Ano.

9

To

The Chief Engineer
in Mysore

L. R. 126 94-9

Dated 64/22 July 96

No 673
D.F. 54-94 Enc: one file
(as marginally noted)

Copy pp 69 to 71 of 1894-95
from Sivarute Dasappa
with enclosures

Docket No A 825-3-95
from the Dr Commr with
Sketch & other enclosures (in file)

Copy of docket No 17409/D.F. 54-94
10-4-95 to the Dr Commr

Copy of Letter No 53/41 dt 15-7-95
from the Dr Commr

Sketch & Vernacular
records rec'd with the above.

The marginally noted papers relating to the encroachment by Petitioner Sivarute Dasappa of Virthahalli on the Shimoga-Mangalore Road passing through the town of Virthalli are forwarded to the Chief Engineer in Mysore P.W.D., with a request that he will favor the Govt with his opinion regarding the absolute necessity for the removal of the encroachment.

2. The vernacular records herewith sent refer to:—

(1) an encroachment on the old left-side drain near the curve shown in sketch, reducing the width of the road there to 17 ft. The Sub Dn Asst P.W.D., complained of this in April 1887 and desired that the basement

30 also (9)

To

L.R. 126-94-8

The Chief Engineer
in Mysore

Dated 14/22 June /96

No 673 Enclosure file
F.F. 54-94 (Correspondence)

The marginally noted papers relating to the encroachment by Petitioner Sirvante Dasappa of Hirthahalli on the Jinnagara Thirthahalli Road passing through the town of Hirthahalli are forwarded to the Chief Engineer in Mysore, with a request that he will kindly favor the Govt with his opinion regarding the absolute necessity for the removal of the encroachment.

2. The Vernacular records herewith sent refer to:

(1) an encroachment on the old left-side drain near the curve shown in sketch, reducing the width of the road there to 17 ft. The Executive Engineer, P.W.D., complained of this in April 1887 and desired that the basement

(2) Dasappa's petition dated 25-3-95 forwarding sketch (in file)

(3) Copy of Collector's No 1709/54-94 of 4-95 forwarding petition

(4) Collector's letter No 53/41 dated 15-7-95 forwarding petition

(5) Sketch & Vernacular records received with the above.

not affect the road. He desired that care should be taken that no pial was built in front of it;

(3) An encroachment by the said petitioner in front of his shop or house No 161, made in Dec. 1891. The petitioner is said to have stated that his people had through ignorance exceeded his limits and that he had no objection to Govt removing the structure. ~~Petitioner~~ Dep is said to have also removed it ~~but petitioner~~ however seems to deny the

" in Dec 1893

(4) The raising of superstructures over the site of the encroachment of 1891 referred to above. This was reported to the Dy: Commr and that Office issued a notice to petitioner on 16-7-94 referring to the several proceedings noted above and directing petitioner to remove the encroachment. The petitioner urges that the piece of land which the overseer in 1888 wished to be kept open, has not been built upon and that the structures now objected to is upon

his own land. The Dy: Commr on the evidence adduced before him, states ~~has held~~ that the site objected to by the overseer in 1887, and to which the petitioner's statement of 18-10-88 referred, has been built upon.

3. The attention of the Chief Engineer is invited to the observations of the Dy Commr in para 5 of his letter No 53/48 of 15-7-95. If the verandah referred to therein could be permitted to remain, the authority of Govt could yet be vindicated by the imposition of a deterrent fine.

'By order'

Draft

Asst Secretary

built on the encroached portion should be removed, at least to an extent of 4 ft. The ~~Court~~ Deputy, in a statement sworn on 13-10-22, urged that the removal of that basement would weaken the other portion of the house he was building, and prayed for permission to keep the basement in the state it then was. He undertook not to build on it. The Overseer reported the result of the Exe. Engineer on April 23 ~~for removal of the encroachment~~. What action was taken thereon the papers do not show;

(2) ~~In~~ a basement put up by the said petitioner in 1933 by the side of one Arnachi shop about 2 or 3 houses beyond the curve referred to, the said basement being stated to be beyond the line of adjacent houses. The Overseer inspected this at the request of the Accused and was of opinion that it should

Submitted with reference to the Revenue Commissioner's order no ~~Agl Coop~~ Shimoga Dy Comm's No 53/41 of 18.7.85 (book No 8)

L.Dr. 126-94-9

Sub 2nd communication

7/1/97

Read Plan 7/1/97

7/1/97

The valuation suggested is Rs 22 per double bungalow compound wall and allowing encroachment is low. If fine is collected the encroachment will be removed under the terms of the lease.

Draft order to collect full amount

1/2/97

Read up to-morrow

1/2/97

(10)

REVENUE DEPARTMENT OFFICE
Gl. No. 454
No. 384
4 JAN. 97

MYSORE P. W. DEPARTMENT OFFICE

No. 6,930

From

The Chief Engineer of Mysore.

To

The Secretary to the Government of Mysore Revenue Department

Dated Bangalore 23 December 1896.

Despatched

Enclosure No. One file & a copy of Letter.

SUBJECT.

Informing that there is no objection regarding the encroachment referred to in Shimoga Division Chief Engineer's No 3/8 dated 14 December 1896.

Submitted 27.Sept.97

6/1/97

24/12/96

Mysore Govt. C. P. Baugalore.—10-9-92—1,000.

(2)

35 — (10)

MYSORE P. W. DEPARTMENT

No. 6930

CENTRAL OFFICE,

Bangalore, 23rd March 1896

From

Capt. C. Caven.
~~The~~ Chief Engineer of Mysore,
Bangalore.

To

The Secretary to the
Government of Mysore
General Revenue Department.

SIR,

With reference to para 4 of my Circ. No. 593 / P.F. 54-94 dated 20th Feby. '96 forwarding for the opinion of Govt. Report submitted to the Government by Divisional Officer & Assistant Engineer in the Kunigal Taluq regarding the Tiptur Tank, I am directed, according to the request of the Government therein referred to, to submit the Plan as proposed by the Executive Engineer (vide Sl. No. 5 of Statement No. 7 Annexure, Copy Enclosed) which it is evident, ought to be done-

H.

II. — As regards leave, I have to inform you that the ~~Secretary of~~ Government may be pleased to suggest, provided of course that Government is satisfied with the Chief Commissioner's finding in the matter. —

III. — The Enclosure received with your letter under reply is herewith returned. —

I have the honor to be
Sir
Your most obedient servant

C. Chamier. Colonel.

Bangalore
20th January
1896.

Chief Secretary to Govt.

Cdes

No. 308

37

From, The Executive Engineer
Shimoga Division.

To, The Chief Engineer
Cuddapore.

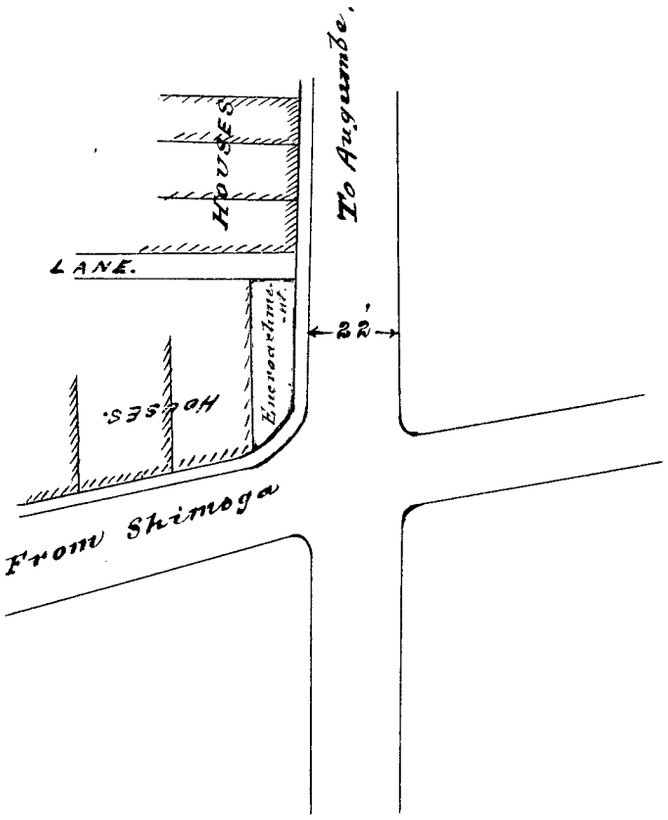
Dated 14th October 1926. —

News.

Chief Engineer's No. 3182/Z4 Dated 16th Sept 1926 =
= directing for report & file & correspondence relating
to the proposed tank scheme in the Anagar
& the Shimoga Corporation Road passing through
the town & Channel. —

In reviewing the above with the file, have the honor to report having inspected the proposed=
=ment. The tank scheme is contained
on the road across Sera & the site plan
but contains both the bund & the levees in
both sides as shown in Sketch in the margin.
The clear width of road between drains at the
part proposed is 20ft and the drains on
the proposed side is lined with stone in
cement at the inner & the outer not quite
6 feet wide at top. It encroaches upon
both sides of the road. If the drain is widened
& pucca lined and retained with stone pitching
outside & the tank scheme goes as per plan
will be no objection & also the proposed
levees is quite sufficient. This widening the drain
reduces the clear width of road to 20feet
which is quite sufficient for the traffic. —

Signed / M. Venkatachar
Asst: Engineer
Shimoga Div



True Copy.

J. W. Whitelaw

Magistrate & Ex-Officio Deputy Commissioner
Bhadravati
1896.

Draft for Approval

(1)

Proceedings of the Court of

39 Myors

Read:-

L.R. 126-94-10

(1) Petition No 59; dated 20-8-94 from Sivanandie Dhanapala of Thirthalli, appealing against the order of the Deputy Conservator Shimoga Dist directing the removal of the verandah built on the encroached portion of the Shimoga-Mangalore road passing thro' the town of Thirthalli.

(2) Correspondence ending with Petition No 53 dated 15th July 1895 from the Dy. Conservator Shimoga Dist to which is enclosed the following facts & Observations:-

(a) Petitioner made an encroachment on the left-side drain in front of his house reducing the width of the road there to 17 ft. The Sub Asst Engr complained of this in April 1887 and desired that the basement built on the encroached portion should be removed at least to an extent of 4 ft.

The petitioner's deposed in a statement given on 18-10-88 urged that the removal of the basement would weaken the other portion he was building and prayed for permission to keep the basement in the state it then was, but undertook not to build on it.

(b) In 1888 a basement was put up by the petitioner by the side of an arrack shop about 2 or 3 houses beyond the encroachment above referred to, the said basement being beyond the line of adjacent houses. The Overseer inspected this at the request of the Amildar and was of opinion that it would not affect the road. He deemed that care should be taken that no verandah was built in front of it.

(c) Petitioner made a further encroachment in front of his shop or house in Dec 2, 89

41

He then stated that the petitioner had through ignorance exceeded the limits and that he had no objection to have the structure removed. On 20th Dec 93 petitioner erected a verandah covered with Bangalore tiles on the site encroached upon. When this was reported to the Dy Commr's that officer issued a notice to petitioner on 16-7-94 referring to the noted several proceedings ~~referred~~ above and directing petitioner to remove the encroachment. The petitioner urges that the site which the encroachment in 1882 wished to be kept open has not been built upon and that the structure now objected to is upon his own land. The Dy Commr's on the evidence recorded before him states that the site the encroachment in which was objected to by the Deputy

43

2

encroached upon and to allow the encroachment to stand. In default of payment of fine, the Dy: Commr will proceed to remove the encroachment under the provisions of the Land Revenue Regulation

Draft [illegible] for Secretary

[illegible] 9/2/97

3/2/97

To: Deputy Commr Shimoga with records

9.2.97 Chief engineer

Subd to 2nd Counsellor

9.2.97

[illegible]

Noted [illegible] 26/2/97

in 1899 and to which the petitioners Statement of 18-10-99 is required has been built upon.

(3) Letter No 6930 of 23-12-96 from the Chief Engineer in Nyeri informing that there is no absolute necessity for the removal of the encroachment made by the petitioners provided the petitioners improves the drain by widening it to 3 feet section and relieves it with slabs.

Order Minute No. 7312-13 of 10.2.57
C.S. 54-54 16.

The petitioner has been guilty of encroachment on the public road and has rendered himself liable to corresponding penalties. In view however of the Chief Engineer's opinion that the removal of the encroachment is not absolutely necessary, Govt are pleased to direct the levy of a fine of Rs 54 equal in amount to double the valuation of the site encroached

(13-4)

Enc: one Verifile.

44

(11) 19-6-97

L.W. 1=6-94-11